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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,847	08/18/2003	Hamid Reza Abutalebi	881-011446-US(PAR)	4018
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER JAMAL, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2614	
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			12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,847	Applicant(s) ABUTALEBI ET AL.	
	Examiner ALEXANDER JAMAL	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-21-2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment, the examiner notes that claims 1,2 have been amended and claims 2-4,13-15,23,28 are cancelled.
2. The examiner presents the previous rejection filed 9-10-2007, and notes that applicant has not provided support for a system that **selectively** (as per the ‘or’ phrase) provide the three different whitening processes in the independent claims.
3. The examiner notes that the independent claims are being read in the only way possible from the enabling specification. Namely, the ‘operating step’ is being read to include only 1 of the three whitening processes listed. Applicant’s specification does not enable any other single embodiment per the claim language.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1,5-12,16-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Makino et al (6246760), and further in view of Brennan et al. (6240192).

As per **claim 1**, Makino discloses a subband echo canceller that processes an audio signal in the frequency domain to synthesize an echo estimate to cancel the echo (undesired signal) from the incoming signal (Fig. 7). As per Fig. 5, the system inherently comprises a stage to output an echo cancelled signal in the time domain for the purpose of being able to drive the speakers with echo cancelled signals. Makino discloses that the subband signals are whitened (whitening inherently comprises 'spectral emphasis') in order to increase convergence (Col 3 lines 25-35). However, Makino does not specify producing and analyzing a primary and reference signal (the 'primary signal' and 'reference signal' as defined by applicant's specification) in order to produce the frequency domain subband signals.

Brennan discloses a method of improved subband processing for hearing aid functions such as noise reduction (echo cancellation) (Col 1 lines 35-55). Brennan discloses that the method provides for a more efficient processing (Col 2 lines 10-25). The process involves an analysis and synthesis filter stages Fig. 1 that comprise a primary signal (going into filter bank 26) and a reference signal (coming out of filter bank 26) to produce frequency domain subbands. It would have been obvious to one of ordinary skill in the art at the time of this application to implement the subband processing of Brennan in the subband echo canceling system of Makino for the advantage of improved processing efficiency.

As per **claim 12**, it is rejected as per the claim 1 rejection.

As per **claims 5,6,16,17**, Makino discloses using the affine projection algorithm (Col 2 lines 30-45) which is an LMS algorithm.

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As per **claims 7,19**, (col 1 lines 15-25) Makino discloses that the system uses double talk detection to adjust the adaptation.

As per **claims 8,20**, the step size is controlled (Col 2 lines 20-30).

As per **claim 9**, the analog/digital converters disclosed by Brennan inherently have a frequency response (determined by the sampling frequency). This will act to filter out noise (correlated and non-correlated) non-adaptively.

As per **claims 10,21**, Brennan's subband method comprises two adaptive filters per subband (26,30 in Fig. 1) and is crosstalk resistant.

As per **claims 11,22**, the signal is a noise signal (echo).

As per **claims 23-25,27-30,32**, Brennan's produces oversized samples, performs WOLA, synthesis and analysis, produces frequency domain samples, Makino discloses that the frequency domain samples are processed in the echo canceller system (claim 1 rejection), and as such would obviously use the frequency domain samples from the Brennan system. Brennan's system produces oversampled subband signals and a synthesis filterbank.

As per **claims 26,31**, the echo canceller of Brennan acts to adapt filter coefficients to produce an echo estimate to be subtracted from the near-end signal.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

December 24, 2008